

REMARKS

The examiner rejected claim 1-4, 7-8, 12-14, and 17 as being anticipated by US 6,276,033 to Johnson. The Examiner also rejected claims 5-6 and 15-16 as being obvious in view of the combination of Johnson and US 5,791,079. Further, the Examiner rejected claims 9-11 as being obvious in view of the combination of Johnson and US 4,991,413. The Applicant respectfully traverses all of the rejections.

Independent claim 1 of the present application recites that the housing of the theft deterrent device includes a wedge that is moveable between unlocked and locked positions. The claim also recites that the wedge engages the clasp in the locked position to force a portion of the clasp against the housing when the clasp is locked to the housing. Independent claim 14 recites that the housing of the theft deterrent device includes a lock member that pivots with respect to the base between the locked position and an unlocked position. The claim also recites that the lock member includes a wedge that engages at least one of the inner surfaces of the clasp legs when the lock member is moved to the locked position to force the lock teeth of the clasp into locked engagement with the lock teeth of the base. The Applicant respectfully submits that the Johnson disclosure lacks the housing and wedge arrangement recited in claim 1 and lacks the housing, lock member, and wedge arrangement of claim 14. The Applicant thus submits that independent claims 1 and 14 are patentable over the Johnson reference and that the dependent claims are also patentable.

The Examiner cites element 5 of the Johnson device to meet the housing limitation of claims 1 and 14. The Examiner cites element 20 of the Johnson reference to meet the lock member limitation of claim 14. The Examiner cites element 9f of the Johnson reference to meet the wedge limitation of claims 1 and 14. The Applicant respectfully submits that elements 20 and 9f of the Johnson reference do not move or pivot with respect to the housing. Both independent claims 1 and 14 require the wedge and lock member to move with respect to the housing. The elements cited by the Examiner in Johnson do not move.

Furthermore, the structure cited by the Examiner to meet the wedge limitation (item 9f) does not function in the manner recited in claims 1 and 14. Both claims 1 and 14 recited that the wedge engages the clasp in the locked position to force a portion of the clasp against the housing when the clasp is locked to the housing. Element 9f of the Johnson reference does not engage the clasp legs and does not force a portion of the clasp against the housing when the clasp is locked to the housing. Johnson merely includes opposed teeth 21 and 22 that engage the teeth of the clasp in a non-reversible snap fit engagement to lock the clasp to the housing. Johnson lacks a secondary wedge that forces the lock teeth together into a locked position. The Applicant thus submits that independent claims 1 and 14 recite an invention not disclosed, taught, or suggested by the Johnson reference. Furthermore, the addition of the secondary references do not teach or suggest the invention. The Applicant thus also submits that claims 1 and 14, as well as their dependent claims, are not obvious in view of the cited combinations of references.

Independent claims 1 and 14 also recite that the wedge and lock member are movable between locked and unlocked positions. The structure cited by the Examiner in the Johnson reference is not moveable between a locked and unlocked position. Johnson cannot be unlocked by moving a lock member to an unlocked position. Johnson is only unlocked by destroying the clips (6 and 7) as described at column 3, line 11.

Independent claim 14 specifically requires the inner surface of the legs of the clasp to be wedge-shaped. The wedge-shaped inner surfaces of the clasp legs are engaged by the wedge of the lock member when the lock member is moved to the locked position to force the lock teeth of the clasp into a locked engagement with the lock teeth of the base. The Examiner cites Fig. 7 to disclose the wedge-shaped inner surface of the legs. The Applicant respectfully submits that Fig. 7 does not show a wedged-shaped inner surface of the legs of the clasp. Fig. 7 merely shows the lock teeth of the clasp legs.

The Applicant additionally submits that the dependent claims are each independently patentable over the art.

The Applicant has added new claims 18 and 19 and respectfully requests that these claims be examined.

In view of the foregoing, the Applicant respectfully requests reconsideration of the claims and most earnestly solicits the issuance of a formal notice of allowability for the claims. Please call the undersigned attorney if any questions remain after this amendment.

Respectfully submitted at Canton, Ohio this 15th day of June, 2004.

SAND & SEBOLT

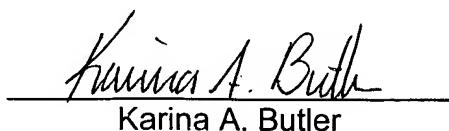


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